

TOWN OF PITTSFORD
ANIMAL ORDINANCE
(Concerning domestic animals, domestic pets, and wolf-hybrid breeds)

§ 1. Authority

Pursuant to 20 V.S.A. Chapters 191 and 193, § 3549 and 24 V.S.A. §§ 2291(10) and 1972(a), the Selectmen of the Town of Pittsford, Vermont, hereby adopt the following ordinance to regulate the keeping of domestic animals, domestic pets, or wolf-hybrids within the Town of Pittsford. This ordinance is designated as a civil ordinance pursuant to 24 V.S.A. §1971(b).

§ 2. Definitions

(a) "Domestic animal" means those animals defined by 6 V.S.A. § 1151 (2), as being all domestic livestock, including, but not limited to, cattle, sheep, goats, equines, fallow deer, American bison, swine, poultry, psittacine birds, ferrets, camelids, reptiles and amphibians. Specific categorical definitions are found in in 6 V.S.A. § 1151.

(b) "Domestic pet" or "pet" means any domestic dogs, domestic/barn/stray cats and domestic ferrets. Wolf hybrids are not considered to be domestic pets but are licensed and regulated as domestic pets.

(c) "Wolf-hybrid" means any animal which is the progeny or descendant of the mating of a domestic dog and a wolf. Wolf-hybrid also means an animal which is advertised, registered, licensed, or otherwise described or represented as a wolf-hybrid by its owner.

(d) "Owner or keeper" means any person who has actual or constructive possession, that is, who owns, keeps, possesses or has custody of a domestic animal, domestic pet, or wolf-hybrid. An owner or keeper includes a person who provides feed or shelter to a domestic animal, pet or wolf-hybrid.

(e) "Animal running at large" means any animal which is not on the property of its owner or keeper and is not under the owner's or keeper's custody by either physical and/or vocal control. The term is used in the sense of livestock or pets strolling without constraint or confinement, as wandering, roving, or rambling at will, unrestrained. A dog or dogs engaged in the act of hunting under the control and direction of an owner or keeper is not considered to be at large.

(f) "Physical or vocal control" means when the animal is not on the owner's or keeper's property that the animal is on a leash or harness, is on or in a vehicle or travel cage, is under the supervised verbal command of the owner or keeper, or is engaged in hunting with owner or keeper.

(g) "Vicious domestic animal, domestic pet, or wolf-hybrid" means an animal which causes reasonable fear of bodily injury by attacking or threatening to attack any person or domestic animal, except a person or animal in the act of trespassing upon the private property of the owner or keeper of the subject animal.

(h) "Pound" or "pound keeper" means the place designated and person authorized by the Selectmen of the Town of Pittsford to keep domestic animals found by an enforcement officer or citizen to be in violation of any provision of this or referenced state ordinances/statutes.

(i) "Vaccination against rabies" means a vaccine approved by the Vermont Commissioner of the Department of Agriculture, Food and Markets and administered by a licensed veterinarian. Until the commissioner approves a rabies vaccine for use on wolf-hybrids, these animals shall be vaccinated with a vaccine approved by the commissioner for domestic dogs.

§ 3. Investigation of vicious domestic pets or wolf-hybrids; order

(a) Anyone who has personal first hand knowledge that a domestic animal, domestic pet or wolf-hybrid is a menace to travel, is vicious, or has bitten someone while off the premises of its owner or keeper, may file a complaint with the selectmen or agent of the town within 48 hours of their observation.

(b) A person who suffers loss by the worrying, maiming or killing of his sheep, lambs, fowls or other domestic animals, by dogs, within twenty-four hours after he learns of such damage, shall give notice to one of the selectmen of the town.

(c) Within three days of receipt of the complaint, an investigation shall be conducted by the animal warden or an agent of the town.

(1) A separate written complaint form shall be completed by the investigating warden or agent and by the complainant. The form will contain at a minimum the time, date and place where the attack or incident occurred, the name and address of the victim or victims, the name and address of the complainant, description of the animal involved, name and address of the owner if known, and any other facts that may assist the selectmen in conducting an investigation.

(d) Within seven days from receipt of the complaint, the selectmen shall hold a hearing on the matter. If the owner of the domestic animal, domestic pet, or wolf-hybrid which is the subject of the complaint can be ascertained, the town shall provide the owner with written notice by certified mail of the time, date and place of hearing and the facts of the complaint. If the owner or keeper of the animal is not known, the town may serve notice of the complaint by posting the same at the town's official posting locations and for three consecutive days in the *Rutland Herald* newspaper.

(e) Licensed Animal. If the domestic animal/pet or wolf-hybrid is licensed with a current rabies certificate and is found to have bitten the victim without provocation, after notice and hearing the selectmen shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the animal is disposed of in a humane way, muzzled, chained, or confined. A person who, after receiving notice, fails to comply with the terms of the order of the selectmen shall be subject to the penalties provided in § 16 of this ordinance. A hearing before the selectmen to answer the complaint does not estop the town from issuing a municipal complaint and pursuing action in the municipal court.

(f) Unlicensed animal. If a selectman or authorized agent of the town believes that the animal is unlicensed or is a rabies suspect, or is known to have been attacked by an animal that is rabid, or has been attacked by a wild animal, or has been running at large in violation of the provisions of this ordinance, or has an unknown rabies vaccination history, the animal subject to the complaint shall be impounded with all fees paid by the owner per § 13.

(1) In cases where the animal is to be impounded for evaluation of rabies, the owner shall immediately surrender the animal to an agent of the town. If the animal is otherwise impounded, the owner, if known, shall be notified within 24 hours. Notification may be accomplished by in-person communication, by telephone call, or by written statement sent to the last known address of the owner. The animal will be confined at an authorized pound, certified for rabies observation programs, and managed in accordance with the rules of the Vermont Department of Health under 20 V.S.A. § 4004.

(2) After examination for rabies, the same remedies specified in § 3(e) are available to the selectmen for control or disposition of the subject animal.

(h) An agent of the town who has attempted to seize a domestic pet or wolf hybrid under the provisions of this ordinance or applicable state statutes and has not been permitted to search for or take the animal, may apply to a judicial officer authorized to issue search warrants for a warrant to search the properties of the owner of the animal or any other property if the officer has reasonable cause to believe that the animal may be on said property and then to seize the animal if found.